

Remarks

The Examiner objected to the drawings as being defective for not showing every feature of the invention specified in the claims. Applicant has corrected this by canceling the "three-way fastener" feature from amended claims submitted herewith. Applicant believes that the amended claims result in drawings that fulfill the statutory requirements. Thus, no further correction is needed.

On page 2 of the Office Action, the Examiner rejected claims 4-7 and 10-26 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 4-6, 8, 10-13, 17, 19, 24, and 26 have been canceled and claims 7, 14-16, 18, 20-23, and 25 have been amended in order to comply with the written description requirement, and thus should be allowable. Accordingly, the claims should be in condition for allowance.

On page 3 of the Office Action, the Examiner also rejected claims 4-7 and 10-26 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 4-6, 8, 10-13, 17, 19, 24, and 26 have been canceled and claims 7, 14-16, 18, 20-23, and 25 have been amended in order to clear the indefiniteness from its respective limitations, and thus should be allowable. Accordingly, the claims should be in condition for allowance.

Rejections under 35 U.S.C. § 102

On page 3 of the Office Action, the Examiner rejected claims 1-7, 14, 17, and 23-26 under 35 U.S.C. § 102(b) as being anticipated by Wagner (U.S. Pat. 5,230,452). Applicant respectfully traverses this rejection.

Wagner discloses a flexible belt web arranged for mounting about a waist portion of an individual includes a plurality of containers to include a first, second, third, fourth, fifth, and

sixth container to secure various components, with each container uniquely configured to accommodate fishing components therewithin, that includes snap fasteners. The snap fasteners are characterized by being positioned in offset rows and hook and loop fasteners (VELCRO ®) can be used in lieu thereof.

Applicant respectfully asserts that independent claim 1 of the application is patentably distinguishable over the Wagner reference. In order for a reference to anticipate a claim, the reference must teach every element of the claim. In the instant application, claim 1, as amended, recites:

1. A belt and container assembly for holding and supporting items for a user comprising:

an outer belt surface;

an inner belt surface opposite said outer belt surface; and

a plurality of first portions of a plurality of directional fasteners traversing said outer belt surface and engaging said inner belt surface; and

a container having a flexible side, wherein said flexible side incorporates a plurality of second portions of said plurality of directional fasteners to form a plurality of engagements to said plurality of first portions, said plurality of second portions positioned with respect to one another so as to require a predetermined disengagement motion to disengage said plurality of first portions from said plurality of second portions.

Wagner does not anticipate claims 1-7, 14, 17, and 23-26 because it does not show the use of a plurality of directional fasteners having “a plurality of second portions of said plurality of directional fasteners to form a plurality of engagements to said plurality of first portions, said

plurality of second portions positioned with respect to one another so as to require a predetermined disengagement motion to disengage said plurality of first portions from said plurality of second portions.” Rather, Wagner discloses using simple snap fasteners arranged in offset rows, the snap fasteners being replaceable with hook and loop fasteners. There is no disclosure to use directional fasteners that require a predetermined disengagement motion to disengage a plurality of first portions from a plurality of second portions. Therefore, Wagner does not anticipate claims 1-7, 14, 17, and 23-26.

Further, Wagner does not render the present claims 1-7, 14, 17, and 23-26 obvious because it teaches away from the claimed invention. The claims of the instant application recite directional fasteners that require a predetermined disengagement motion to disengage a plurality of first portions from a plurality of second portions. Applicant discloses that the belt and container assembly of the present invention, including directional fasteners, ensures that the user disengages the interlocking arrangement of the directional fastener so as to release second portion 30 from first portion 17. (see page 9, lines 12-13). Thus, Wagner’s disclosure of simple snap fasteners arranged in offset rows, the snap fasteners being replaceable with hook and loop fasteners, is contrary to interlocking arrangement of the claimed invention.

Therefore, since Wagner fails to teach or disclose the use of directional fasteners, including a predetermined disengagement motion to disengage a container from a belt, Applicant respectfully submits Wagner does not anticipate or render obvious any of the pending claims. Accordingly, claims 1-7, 14, 17, and 23-26 are allowable in view of this reference and Applicant respectfully requests a withdrawal of this rejection.

On page 4 of the Office Action, the Examiner also rejected claims 1, 8-13, and 23-26 under 35 U.S.C. § 102(b) as being anticipated by Trumpower III (U.S. Pat. 4,747,527).

Applicant respectfully traverses this rejection.

Trumpower III discloses a utility belt formed from an elongated strip of plastic material having a predetermined length, width and thickness. The plastic material of the elongated strip has inherent torsion resistance to thereby prevent the belt from being twisted more than 90 degrees. The utility belt is characterized by plurality of snap-lock assemblies have their female portion permanently attached to the outer surface of the elongated strip. The male portion of the snap-lock assemblies may be attached to tool holders.

Applicant respectfully asserts that independent claim 1 of the application is patentably distinguishable over the Trumpower III reference. In order for a reference to anticipate a claim, the reference must teach every element of the claim. In the instant application, claim 1 recites:

1. A belt and container assembly for holding and supporting items for a user comprising:

an outer belt surface;

an inner belt surface opposite said outer belt surface; and

a plurality of first portions of a plurality of directional fasteners traversing said outer belt surface and engaging said inner belt surface; and

a container having a flexible side, wherein said flexible side incorporates a plurality of second portions of said plurality of directional fasteners to form a plurality of engagements to said plurality of first portions, said plurality of second portions positioned with respect to one another so as to require a predetermined disengagement motion to disengage said plurality of first portions from said plurality of second portions.

Trumpower III does not anticipate claims 1, 8-13, and 23-26 because it does not show

the use of a plurality of directional fasteners having “a plurality of second portions of said plurality of directional fasteners to form a plurality of engagements to said plurality of first portions, said plurality of second portions positioned with respect to one another so as to require a predetermined disengagement motion to disengage said plurality of first portions from said plurality of second portions.” Rather, Trumpower discloses using a plurality of snap-lock assemblies, where, in order to disengage the male portion 25, it is merely necessary to depress tongue 30 and pull downwardly on the male portion 25. There is no disclosure to use directional fasteners that require a predetermined disengagement motion to disengage a plurality of first portions from a plurality of second portions. Therefore, Trumpower III does not anticipate claims 1, 8-13, and 23-26.

Further, Trumpower does not render the present claims 1, 8-13, and 23-26 obvious because it teaches away from the claimed invention. The claims of the instant application recite directional fasteners that require a predetermined disengagement motion to disengage a plurality of first portions from a plurality of second portions. Applicant discloses that the belt and container assembly of the present invention, including directional fasteners, ensures that the user disengages the interlocking arrangement of the directional fastener so as to release second portion 30 from first portion 17. (see page 9, lines 12-13). Thus, Trumpower III’s disclosure of using a plurality of snap-lock assemblies, where, in order to disengage the male portion 25, it is merely necessary to depress tongue 30 and pull downwardly on the male portion 25 is contrary to the claimed invention.

Therefore, since Trumpower III fails to teach or disclose the use of directional fasteners that require a predetermined disengagement motion to disengage a plurality of first portions from a plurality of second portions, Applicant respectfully submits Trumpower III does not

anticipate or render obvious any of the pending claims. Accordingly, claims 1, 8-13, and 23-26 are allowable in view of this reference and Applicant respectfully requests a withdrawal of this rejection.

Rejections under 35 U.S.C. § 103

On page 5 of the Office Action, the Examiner has also rejected claims 8-13 and 14/13-22/13 under 35 U.S.C. § 103(a) as being unpatentable over Wagner (U.S. Pat. 5,230,452).

Applicant respectfully traverses the rejections. Applicant respectfully submits that claims 8-13 have been canceled and dependent claims 14 and 22 have been amended to change their respective dependencies and are thus the rejection of claims 8-13 is moot and claims 14 and 22 are no longer subject to the Examiner's present rejection under 35 U.S.C. § 103(a).

On page 6 of the Office Action, the Examiner has also rejected claims 14/13-22/13 under 35 U.S.C. § 103(a) as being unpatentable over Trumpower III in view of Wagner (U.S. Pat. 5,230,452).


Applicant respectfully traverses the rejections. Applicant respectfully submits that claims 8-13 have been canceled and dependent claims 14 and 22 have been amended to change their respective dependencies and are thus claims 14 and 22 are no longer subject to the Examiner's present rejection under 35 U.S.C. § 103(a).

Conclusion

Having analyzed the rejections cited against the claims, it is urged that the present claims are in condition for allowance. A favorable reconsideration is requested. The Examiner is invited to contact the undersigned attorney to discuss any matters pertaining to the present application.

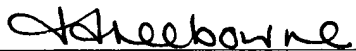
Respectfully submitted,

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Vernice V. Freebourne

August 20, 2003

Date